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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,507	01/27/2004	Hiroshi Mochizuki	026575-068	9258

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EXAMINER

NATNITHITHADHA, NAVIN

ART UNIT	PAPER NUMBER
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3735

MAIL DATE	DELIVERY MODE
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06/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/764,507

Applicant(s)

MOCHIZUKI, HIROSHI

Examiner

Navin Natnithithadha

Art Unit

3735

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 07 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 18-36.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.


Navin Natnithithadha
Patent Examiner
Art Unit 3735

Continuation of 11. does NOT place the application in condition for allowance because:

(1) Applicant contends the following:

"Considering that the blood pressure meter cuff disclosed in Sano et al is specifically adapted for use as a finger-type blood pressure cuff, one of ordinary skill in the art would not have found it obvious to provide the disclosed blood pressure meter cuff with microphones for purposes of detecting Korotkoff sounds. That is, the relatively small blood vessels in the finger produce relatively little blood flow and thus hinder the ability to accurately determine blood pressure by detecting Korotkoff sounds. In addition, because the blood pressure meter cuff disclosed in Sano et al. is specifically adapted to use as a finger type blood pressure cuff, the blood pressure cuff is necessarily quite small, thus hindering the ability to provide the cuff with microphones for purposes of detecting blood pressure through detection of Korotkoff sounds." See Applicant's Remarks, p. 10.

However, the Applicant has only considered one embodiment of Sano et al's blood pressure meter cuff. Sano et al states:

"Such a cuff is made of material which does not stretch regardless of the diameter of the object to be measured (a finger, for example) and the length of the portion of cuff in contact with the object to be measured does not vary." See col. 2, ll. 17-21.

"To measure a patient's blood pressure, one inserts the object to be measured (i.e., a finger) and compressed air is pumped into the chamber." See col. 2, ll.54-57

In addition, only claims 2 and 13-15 of Sano et al are directed to a "patient's finger." Although Sano et al's disclosure is primarily directed to finger-type blood pressure cuff, the scope of the disclosure is not limited to this type of blood pressure cuff. Furthermore, Hirano et al is not limited to an upper-arm type blood pressure cuff. Hirano et al states:

"The cuff 10 contains therein a rubber bag which is connected to a piping 12, and is wound around a body portion (e.g., upper arm) of a subject (e.g., patient) for pressing an artery via body surface over the artery." See col. 3, ll. 31-34.

Thus, the scope of Hirano et al's disclosure of a "body portion" includes a "finger."

(2) Applicant contends the following:

"Nowhere does Hirano et al disclose that the sensing elements are arranged in a hollow cylindrical airbag in opposing relation to each other so that one sensing element detects Korotkoff sounds at a right upper arm of the human body while the other sensing element detects Korotkoff sounds at the left upper arm of the human body. Hirano et al.'s, reason for employing two sets of sensing elements is quite different." See Applicant's Remarks, p. 10.

However, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. Applicant's argument only pertains to the functional difference of using the plural microphones..